

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:04CR430</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>BOBBY CALDERONE,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the court on the motion to continue trial by defendant Bobby Calderone (Calderone) (Filing No. 40 - Sealed). Calderone seeks a continuance of the trial to September 2005. Defense counsel represents to the court that counsel for the government has no objection to the extension. Calderone has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Calderone consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Calderone's motion to continue trial (Filing No. 40 - Sealed) is granted.
2. Trial of this matter is re-scheduled for **September 12, 2005**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 11, 2005 and September 12, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 11th day of July, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge